

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----093593 041143Z /11

P 041102Z AUG 78
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TO SECSTATE WASHDC PRIORITY 9640
INFO CINCPAC HONOLULU HI PRIORITY
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CINCPACREPPH SUBIC BAY RP PRIORITY
JCS WASHDC PRIORITY
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13THAF CLARK AB RP PRIORITY

S E C R E T SECTION 01 OF 04 MANILA 13485

EXDIS MILITARY ADDRESSES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: BASE DISCUSSIONS: NEXT STEPS AFTER MILITARY-TO-
- MILITARY TALKS

1. MILITARY-TO-MILITARY DISCUSSIONS CONTINUE TO PROCEED WELL. GEN. ESPINO FORECAST JULY 28 THAT DISCUSSIONS COULD BE COMPLETED IN A MONTH. RADM MCLENDON BELIEVES THIS IS POSSIBLE, BUT SUSPECTS THE PROCESS MAY TAKE A LITTLE LONGER. THE KEY QUESTION AFTER MILITARY-TO-MILITARY TALKS CONCLUDE, PRESUMABLY SUCCESSFULLY, IS HOW WE WANT TO PROCEED WITH THE PRODUCT. DO WE (A) IMMEDIATELY SEEK TO GIVE IT DIPLOMATIC COVER, SIGN AND IMPLEMENT IT, (B) DO WE MERELY SIGNAL A WILLINGNESS TO PROCEED AND LEAVE THE PACE TO MARCOS, OR (C) WOULD WE PREFER THAT IT GO IN THE COOLER TO AWAIT PROGRESS ON OTHER ISSUES? A KEY FACTOR WILL BE MARCOS HIMSELF.

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2. PHILIPPINE OPTIONS. WHEN THE MILITARY PANELS SUBMIT THEIR PRODUCT, WE ANTICIPATE MARCOS WILL WANT TIME TO STUDY IT. ENRILE HAS DESCRIBED THIS NEXT STEP AS "MINISTERIAL REVIEW." IN CONSIDERING HOW TO PROCEED AFTER THIS REVIEW, MARCOS WOULD APPEAR TO HAVE TWO OPTIONS:

- A. MOVE IMMEDIATELY TO AMEND THE MBA TO REFLECT THE

ACHIEVEMENTS OF THE MILITARY-TO-MILITARY DISCUSSIONS.
(MARCOS WOULD PROBABLY LOOK TO A DIPLOMATIC LEVEL DRAFTING
COMMITTEE TO WORK OUT APPROPRIATE LANGUAGE FOR AN AMEND-
MENT, AIMING AT EARLY SIGNATURE AND IMPLEMENTATION.)

- ADVANTAGES.

- 1. MARCOS COULD PLAY UP FOR DOMESTIC AND INTER-
NATIONAL EFFECT THE INSTALLATION OF THE PHILIPPINE BASE
COMMANDERS, THE DELIMITATION OF THE US FACILITIES, ETC.

- 2. MARCOS MAY PERCEIVE AT THIS JUNCTURE A NEED
FOR PUBLIC DEMONSTRATION THAT THE USG IS PREPARED TO DO
BUSINESS WITH HIM.

- 3. MARCOS WOULD DEMONSTRATE HIS GOOD FAITH IN
PROCEEDING WITH THE AMENDMENT TO THE EXISTING MBA, GOOD
UNTIL 1991, AS HE AFFIRMED IN PAST MONTHS (TO HOLBROOKE,
NEWSOM AND MONDALE) HE WANTED TO DO.

- DISADVANTAGES.

- 1. SIGNING AN AMENDMENT WOULD PRESUMABLY CONTRI-
BUTE TO STABILIZING THE BASE ISSUE, POTENTIALLY REDUCING
MARCOS' LEVERAGE ON US FOR 1) OBTAINING COMPENSATION (A
POINT IN WHICH THE AFP PLACES GREAT STORE) AND 2) SECURING
OTHER MODIFICATIONS TO THE MBA (CRIMINAL JURISDICTION,
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IMMIGRATION, CUSTOMS, TAXATION, LABOR, QUARANTINE, ETC.)

- 2. MARCOS COULD BE CRITICIZED OVER THE LONG TERM
IF THE CURRENT MODIFICATIONS TO THE MBA ARE PERCEIVED TO
BE DEFICIENT FOR SIGNIFICANT PHILIPPINE INTERESTS,
ESPECIALLY IN THE AREA OF SOVEREIGNTY.

B. DELAY GOING THROUGH WITH THE AMENDMENT TO THE MBA
TO REFLECT THE ACHIEVEMENTS OF THE MILITARY-TO-MILITARY
DISCUSSIONS. MARCOS CAN SIMPLY PROCRASTINATE, ASK FOR
BROADER MODIFICATIONS TO THE MBA OR MAKE IT A REFERENDUM
TO SATISFACTION ON COMPENSATION. HE COULD PUT THE ISSUE
TO THE IBP FOR WHAT WOULD LIKELY BE PROTRACTED DEBATE
(THIS WOULD BE A PROBABLE SIGNAL OF INTENTIONAL SLOWDOWN)
-- THIS MAY BE TEMPTING IF MARCOS' PROBLEMS WITH THE US
CONGRESS CONTINUE.

- ADVANTAGES.

- 1. MARCOS WOULD BE ABLE TO KEEP HIS OPTIONS OPEN,
THE TRADE MARK OF HIS CAUTIOUS OPERATING STYLE.

- 2. HE CAN KEEP THE ENTIRE ISSUE OF THE BASES
SIMMERING UNTIL PROSPECTS ARE BETTER FOR COMPENSATION AND
PERHAPS EVEN A MORE EXPLICIT DEFENSE COMMITMENT. (HE MAY
SEE PROGRESS IN BOTH THESE AREAS AS MORE USEFUL INDICATORS
OF USG SUPPORT FOR HIM THAN AN AMENDMENT COMING OUT OF
MILITARY-TO-MILITARY TALKS.)
- 3. MARCOS CAN PROCEED TO SEE WHAT HE MIGHT GET

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INFO OCT-01 ISO-00 SSO-00 /026 W
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P 041102Z AUG 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 9641
INFO CINCPAC HONOLULU HI PRIORITY
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EXDIS MILITARY ADDRESSES HANDLE AS SPECAT EXCLUSIVE

FROM US ON OTHER ISSUES SUCH AS CRIMINAL JURISDICTION,
IMMIGRATION, CUSTOMS, TAXATION, LABOR, QUARANTINE, ETC.
(HE COULD TELL US THAT HIS PEOPLE - CABINET, IBP OR
GENERAL POPULATION - SEE ALL THESE QUESTIONS AS ISSUES OF
SOVEREIGNTY WHICH NEED TO BE ADDRESSED.)

- 4. HE WOULD HAVE MORE TIME TO PURSUE WHATEVER HE
MAY DECIDE HE MUST GET CONCERNING INDUSTRIAL AND COMMER-
CIAL USE OF BASE LANDS (IF THIS ISSUE HAS NOT BEEN
SATISFACTORILY RESOLVED BY THE END OF THE MILITARY-TO-
MILITARY TALKS.)
- DISADVANTAGES.
- 1. MARCOS WOULD NOT BE ABLE TO INSTALL HIS BASE

COMMANDERS AND PLAY UP THE ASSERTION OF PHILIPPINE SOVEREIGNTY. (HE HAS ALREADY PLAYED THESE ISSUES IN THE PRESS BUT THERE IS SIGNIFICANT MILEAGE LEFT.)

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- 2. HE WOULD SHOW BAD FAITH IN HIS ASSERTION TO US THAT HE WANTED TO PROCEED WITH AMENDMENT OF THE CURRENT AGREEMENT, POTENTIALLY TRIGGERING A NEGATIVE REACTION IN THE ADMINISTRATION AND HAMSTRINGING THE ADMINISTRATION'S EFFORTS IN CONGRESS.

- 3. HE COULD ALIENATE THE SMALL BUT INFLUENTIAL AFP GROUP INVOLVED IN THE MILITARY-TO-MILITARY DISCUSSIONS. (THIS POINT SHOULD BE KEPT IN PERSPECTIVE BECAUSE BEYOND ESPINO, HIS PANEL AND THE PROSPECTIVE PHILIPPINE BASE COMMANDERS WHO WOULD BE DISAPPOINTED, THE KEY ISSUE FOR THE AFP IS THE HARDWARE AND MONEY IT HOPES TO OBTAIN THROUGH BASE COMPENSATION.)

- NO MATTER HOW PAINSTAKING OUR APPRAISAL OF THESE VARIOUS FACTORS, THERE REMAIN ENORMOUS UNCERTAINTIES IN HOW MARCOS WILL WISH TO PROCEED.

3. US OPTIONS. WHATEVER MARCOS MAY DETERMINE TO BE HIS PREFERRED PACE, NOW IS THE TIME TO DECIDE OUR NEXT MOVES. THERE APPEAR TO BE TWO BASIC APPROACHES:

A. PROCEED RAPIDLY TOWARD AMENDMENT OF THE MBA TO REFLECT THE ACCOMPLISHMENTS OF THE MILITARY-TO-MILITARY TALKS AND THE DISCUSSIONS WHICH PRECEDED THEM (NOTABLY THE FIVE-YEAR REVIEW PROVISION IN THE MONDALE/MARCOS JOINT STATEMENT UNDERGIRDING THE CURRENT DURATION OF THE MBA UNTIL 1991). THIS IS BASICALLY THE APPROACH WE HAVE BEEN FOLLOWING AND THE ONE WE RECOMMEND WE CONTINUE. IN THIS REGARD OUR OBJECTIVES WOULD SEEM BEST ACCOMPLISHED BY:

- 1. APPROACHING MARCOS SOON AFTER THE CONCLUSION
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OF THE MILITARY-TO-MILITARY TALKS TO INDICATE THAT WE BELIEVE THAT THE RESULTS MEET THE OBJECTIVES WE JOINTLY ESTABLISHED LAST SPRING. (THE IDEA WOULD BE TO OBTAIN QUICK INTERNAL USG APPROVAL OF THE MILITARY-TO-MILITARY PACKAGE AND GET TO MARCOS BEFORE SOME OF HIS ADVISERS BUILD UP PRESSURE FOR CHANGES TO THE MILITARY PACKAGE OR

THE INTRODUCTION OF NEW ISSUES.)

- 2. PRESENT TO MARCOS AN APPROPRIATE INSTRUMENT (EXCHANGE OF DIPLOMATIC NOTES OR AN AGREEMENT TO BE SIGNED PUBLICLY) TO COVER THE IMPLEMENTING DOCUMENTS PRODUCED IN THE MILITARY-TO-MILITARY TALKS. (THIS COULD BE SET UP AS A MAJOR EVENT WITH WASHINGTON PARTICIPATION OR BE PURSUED INITIALLY BY THE AMBASSADOR WITH MARCOS (AND MFA IF MARCOS WANTS), WITH THE POSSIBILITY OF WASHINGTON OFFICIALS JOINING IF NEEDED TO CAP THE PROCESS.
- 3. (SIMULTANEOUSLY WITH SIGNING THE AMENDMENT, WE SHOULD MAKE MAXIMUM EFFORT TO EXCHANGE NOTES ON THE VOA, THE RRF AND PERHAPS THE AMERICAN CEMETERY.)
- ADVANTAGES.
- 1. SIGNING AN AMENDMENT DESIGNED TO HELP STABILIZE OUR PRESENCE HERE UNTIL 1991 WOULD GRAPHICALLY DEMONSTRATE TO THE PHILIPPINES AND TO OTHERS IN THE REGION OUR CONTINUED SECURITY INTERESTS.
- 2. MARCOS MAY SEE GAIN IN NOT MAKING TROUBLE OVER THE BASES SINCE HE WILL HAVE SIGNED OFF ON AN AMENDMENT GIVING HIM WHAT HE HAS SAID REPEATEDLY IN PUBLIC HE MOST WANTED.

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INFO OCT-01 ISO-00 SSO-00 /026 W
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INFO CINCPAC HONOLULU HI PRIORITY
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EXDIS MILITARY ADDRESSES HANDLE AS SPECAT EXCLUSIVE

- 3. WE WOULD DEMONSTRATE OUR GOOD FAITH IN TENDING TO THE SOVEREIGNTY ISSUES (INCLUDING BASE SECURITY) MARCOS SAID CONCERNED HIM.
- 4. THE INTRACTABLE ISSUES OF COMPENSATION AND CRIMINAL JURISDICTION AND THE DIFFICULT AND TIME-CONSUMING ISSUES OF TAXATION, IMMIGRATION, LABOR, CUSTOMS, QUARANTINE, ETC., MAY BE DEFERRED. (COMPENSATION IS THE BIG QUESTION MARK. IT IS CONCEIVABLE MARCOS MAY HOLD OFF PUSHING COMPENSATION (INCLUDING A "BEST EFFORT" LETTER) UNTIL HE SEES BETTER PROSPECTS IN CONGRESS. WE MAY NOT KNOW FOR SURE WHAT MARCOS WILL DO REGARDING COMPENSATION UNTIL WE SEEK TO MOVE AHEAD ON THE AMENDMENT. ASSUMING MARCOS DOES HOLD OFF ON THE COMPENSATION ISSUE, THERE IS THE IMMEDIATE PROBLEM OF THE SECURITY AND POSSIBLY EVEN ADMINISTRATIVE FUNDING WHICH THE AFP WANTS FOR ITS PRESENCE AND FUNCTIONS ON THE BASES. IF WE ARE NOT TO BECOME ENMESHED AT THIS TIME IN THE LARGER COMPENSATION
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ISSUE, IT MAY BE NECESSARY TO FUND THE AFP ADMINISTRATIVE AND SECURITY COSTS (THOSE WE DEEM JUSTIFIED) IN SOME SPECIAL WAY. (WE CANNOT NOW FORECAST THE EXTENT TO WHICH THE GOP MAY PUSH FOR THE AMOUNTS INDICATED IN ITS MARCH 28 AIDE MEMOIRE -- AN APPARENT TOTAL OF 110 MILLION DOLLARS FOR EXPENDITURES OVER THE NEXT FIVE YEARS. WE WOULD HOPE THIS FIGURE COULD BE SIGNIFICANTLY REDUCED MAKING IT RELATIVELY MODEST COMPARED TO THE OVERALL COMPENSATION LEVEL.)

- DISADVANTAGES.
- 1. WE WILL HAVE FORMALLY GIVEN UP SIGNIFICANT AREAS AND SOME MEASURE OF CONTROL AT THE BASES WITHOUT RELATING THE VALUE OF THIS TO THE COMPENSATION PACKAGE WE MAY LATER HAVE TO PROVIDE.
- 2. FUNDS FOR AFP SECURITY AND ADMINISTRATIVE COSTS AT THE BASES WOULD HAVE TO COME FROM SOURCES OTHER THAN THE OVERALL COMPENSATION PACKAGE.
- 3. THERE IS NO CERTAINTY THAT MARCOS WON'T SOON PUT THE HEAT ON US FOR OTHER THINGS HE WANTS, INCLUDING COMPENSATION, CRIMINAL JURISDICTION AND THE OTHER ISSUES.
- B. A VARIATION TO A ABOVE WOULD BE TO ADVISE MARCOS OF OUR WILLINGNESS TO IMPLEMENT AN AMENDMENT TO THE MBA BUT NOT PUSH HIM ON IT.

- ADVANTAGES.

- 1. COULD PRESERVE THE CURRENT OPERATIONAL FLEXIBILITY AND AUTHORITIES AT THE BASES PROVIDED UNDER THE SECRET

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PRESENT MBA.

- 2. COULD DELAY THE NECESSITY TO SEEK APPROVAL FROM CONGRESS OF A COMPENSATION PACKAGE, GIVING MARCOS TIME TO END MARTIAL LAW OR OTHERWISE IMPROVE HIS IMAGE WITH THE CONGRESS.

- DISADVANTAGES.

- 1. COULD GIVE THOSE SO DISPOSED WITHIN THE GOP TIME TO RAISE OBJECTIONS TO THE END PRODUCT OF THE MILITARY-TO-MILITARY TALKS AND TO RAISE OTHER ISSUES SUCH AS CRIMINAL JURISDICTION, ETC.
- 2. WOULD GIVE MARCOS CONTROL OVER THE SITUATION, LEAVING US IN THE POSITION OF HAVING TO REACT TO HIS SCENARIO.
- C. AN ALTERNATIVE SCENARIO, WHICH WE DO NOT RPT NOT RECOMMEND, WOULD BE TO PUT THE DRAFT AMENDMENT ASIDE UNTIL OTHER BASE-RELATED ISSUES, INCLUDING COMPENSATION, HAVE BEEN SATISFACTORILY RESOLVED.

- ADVANTAGES.

- 1. ALLOW US TO TIE UP IN ONE PACKAGE ALL FACETS OF THE BASE ISSUE TO BEST INSURE THAT OUR OVERALL INTERESTS ARE PROTECTED.
- 2. MAINTAIN A DIRECT RELATIONSHIP BETWEEN WHAT WE ARE PREPARED TO PROVIDE THE GOP IN TERMS OF AUTHORITIES OF PHILIPPINE COMMANDERS, REAL ESTATE, ETC., AND THE AMOUNT

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INFO OCT-01 ISO-00 SSO-00 /026 W

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EXDIS MILITARY ADDRESSES HANDLE AS SPECAT EXCLUSIVE

OF COMPENSATION TO BE PROVIDED ("BEST FAITH" LETTER, OR WHATEVER).

- DISADVANTAGES.

- 1. AN OPPORTUNITY FOR MARCOS TO KEEP US IN SOME UNCERTAINTY (AND OTHERS IN THE REGION AND ELSEWHERE WHO ARE WATCHING THIS NEGOTIATION) WHILE HE WAITS FOR A SATISFACTORY COMPENSATION PACKAGE.

- 2. AN OPPORTUNITY FOR MARCOS TO BRING TO THE TABLE OTHER DIFFICULT ISSUES (MENDOZA AND ABAD-SANTOS MAY PUSH CRIMINAL JURISDICTION, ROMULO WILL LIKELY TRY TO INTERJECT THE ISSUES OF TAXATION, LABOR, CUSTOMS, IMMIGRATION AND QUARANTINE).

4. TENTATIVE PROGNOSIS. OUR BEST ESTIMATE AT THIS JUNCTURE IS THAT MARCOS MAY HESITATE TO MOVE FORWARD TO SECRET

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SIGN AND IMPLEMENT AN AMENDMENT NOW, NOT ONLY BECAUSE HE WILL LIKELY WANT TO MAINTAIN HIS LEVERAGE FOR COMPENSATION AND OTHER ISSUES BUT BECAUSE THIS IS FOR HIM A VERY CLOSE JUDGMENT CALL. IN SUCH SITUATIONS HE INSTINCTIVELY SEEKS TO KEEP HIS OPTIONS OPEN. IF HE DOES HARBOR A SENTIMENT TO PLAY UP THE ASSERTION OF SOVEREIGNTY BY GOING AHEAD WITH AN AMENDMENT NOW, THE APPROACH OUTLINED IN PARA 3A ABOVE WOULD SEEM TO OFFER THE BEST PROSPECT IN NUDGING HIM ALONG. IT IS IMPORTANT TO NOTE IN THIS CONNECTION THAT WE MAY HAVE TO FUND SEPARATELY FROM THE BROADER COMPENSATION ISSUE AFP SECURITY AND POSSIBLY ADMINISTRATIVE COSTS AT

THE BASES. MURPHY

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY BASES, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 aug 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANILA13485
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780320-1296
Format: TEL
From: MANILA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780898/aaaadedo.tel
Line Count: 441
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 7ff4356a-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1836626
Secure: OPEN
Status: NATIVE
Subject: BASE DISCUSSIONS: NEXT STEPS AFTER MILITARY-TO- - MILITARY TALKS
TAGS: MARR, RP, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/7ff4356a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014